UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,274	05/14/2001	C. Shane Evans	3382-55837	9164

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EXAMINER
LEWIS, DAVID LEE

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 June 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8,11-21,27-29 and 31-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8,11-21,27-29 and 31-37</u> is/are rejected.

7)☒ Claim(s) <u>10 and 11</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 10 and 11 are objected to because of the following informalities: They

depend on cancelled claim 9. Appropriate correction is required.

Claim Rejections - 35 U.S.C. ∍ 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2.   **Claims 27-29 and 31-37 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Sim (5213880).

As in claim 27, Sim teaches of method for mapping an input device's controls with an

application in a system, **column 6 lines 30-45,**

comprising: in response to a request from an application program to create an action-to-

control mapping, reading stored user preferences for the action-to-control mapping and

reading a stored default file that includes manufacture provided defaults for the

action-to-control mapping, **column 5 lines 25-35, column 7 lines 39-41, 50-67,**

column 8 lines 1-17;   wherein the users creates a mapping for an application that

already has a mapping assigned to it, and saves it mapping over a default file.

reading a structure that includes action values and action semantics associated with the

action values, the action values being defined by the application, **column 7 line 15-30**

and 50-67, column 8 lines 1-17, where the keymap contains command assignment for

the application.

and using the stored user preferences and the stored default file to create an

association between the action values associated with the application and the controls

on the input device, **column 7 line 50-67, column 8 lines 1-17, column 10 lines 1-25.**

wherein a link between the keymap and the application is stored.

DirectInput (by MicroSoft) is an Application Program Interface that enables

applications, through action mapping (keymaping), to retrieve data from input

devices. Wherein the DVD game application allows programmable keymaps to be

created and linked to the application in addition to the default keymaps stored on the

DVD disk, wherein both user preference created keymaps and default keymaps operate

in conjunction.   The Application communicates bidirectionally with the DirectInput

Interface which inherently comprises calls or requests, wherein the application requests

the DirectInput interface create client windows, screen controls, menus, dialog boxes,

and enumerations, that applications needs to accomplish its function. The Application may request that the DirectInput Interface update these objects in response to received messages, or in response to the changing output of the application. The Keyset Module 364 function will request a list of keymap files to edit and has an option to create a new keymap file which links to other applications, reading on the limitation the requires a "request from an application program to create an action-to-control mapping, reading stored user preferences for the action-to-control mapping and reading a stored default file that includes manufacture provided defaults for the action-to-control mapping".

As in claim 28, Sim teaches of wherein the creating includes creating a control to action map and further including setting the action map to allow the application to receive data from the input device, column 6 lines 30-48.

As in claim 29, Sim teaches of further including, in response to a request from the application, enumerating input devices attached to the system that are most suitable to the application, **column 5 lines 45-65, column 6 lines 1-30.**

As in claim 31, Sim teaches of a method for mapping actions in an application to controls on a user input device, **column 5 lines 25-31 and 42-44,**

the method comprising: receiving a call from the application to create an initial configuration that associates actions corresponding to application commands to controls

on a user input device, **column 6 lines 33-43**, wherein the DirectInput Interface manages the activation of the keyset module which receives a call for dynamically creating keymap files linked to specific applications.

dynamically generating an action-to-control map to implement the initial configuration that associates actions to controls on the user input device, wherein the initial configuration is based on data received from the application, **column 6 lines 40-50,** wherein said keymap file is created with a link to the application.

and using the action-to control map to translate a set of command codes from the user input device to the corresponding commands in the application, **column 6 lines 15-20, column 8 lines 40-50**.

As in claim 32, Sim teaches of further comprising storing the action-to-control map for the application and the user input device in a file, column 7 lines 63-67, column 8 lines 10-15.

As in claim 33, Sim teaches of comprising performing a check for the stored file on subsequent instantiations of the application, column 8 lines 35-50.

As in claim 34, Sim teaches of wherein the call received from the application

comprises a user-preference file to identify a previously created action-to-control map,

column 8 lines 35-50.

As in claim 35, Sim teaches of wherein the previously created action-to-control map is

associated with a different application, column 8 lines 5-10, column 8 lines 35-50.

As in claim 36, Sim teaches of wherein the call received from the application

comprises a default mapping stored in a file provided by the hardware vendor that

indicates the action-to-control map for the application, column 6 lines 59-65.

As in claim 37, Sim teaches of wherein the call received from the application

comprises semantics associated with the set of actions from the application, wherein

the semantics from the application are associated to the controls using lightweight

heuristics, column 5 lines 40-45, column 7 lines 17-29.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6727884. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim substantially the same subject matter. As in clam 1, Applicants recites a system for mapping an input device's controls to interact with an application. As in claim 1, of patent 884, the claim recites a system for mapping an input device's controls with a computer executable instruction set. As in claim 1, Applicant claims sets of actions comprising semantics. As in claim 1, of patent 884, the claim recites an action semantic set. As in claim 1, the Applicant recites application genres. As in claim 1, of patent 884, the claim recites a genre including action code. Generally both claims deal with action mapping based on genre files for the purpose of controlling an input device, and while differences exist they claim substantially the same subject matter. For similar reasons, Applicants claims 2-21 map to claims 2-25 of patent 884.

Response to Arguments

4.   The Applicant's arguments filed on 6/9/2005 have been considered but are **not persuasive.** While Sim's keymodule is activated by the user it still reads on the claims language. The keymodule is considered an application that is managed by the

DirectInput Interface. DirectInput (by MicroSoft) is an Application Program Interface that enables applications, through action mapping (keymaping), to retrieve data from input devices. The DirectInput Interface facilitates a dynamic link between the applications and input devices, as claimed. Claim 10 and 11 are dependant upon cancelled claim 9, appropriate action is required.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(703) 306-3026**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on (703) 305-4938. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
        Commissioner of Patents and Trademarks
        Washington, D.C. 20231
        or faxed to:
        (703) 872-9314 (for Technology Center 2600 only)
        Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).
        Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

June 15, 2005

BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600